



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

June 28, 2004

CERTIFIED MAIL

7099 3400 0002 6286 1579

Mr. David Fluke
The Overlake Fund
11400 SE Sixth Street, Suite 230
Bellevue, WA 98004

Dear Mr. Fluke:

RE: **Order #1998-4-00178** – Amendment to Water Quality Certification for construction of Overlake Park Hotel with impact to 0.82 acres of wetlands, Bellevue, King County, Washington.

The request for an amendment to certification for proposed work in wetlands near Mercer Slough, King County, has been reviewed. On behalf of the state of Washington, we certify that the proposed work, as conditioned by the enclosed Order, will comply with applicable provisions of Sections 301, 302, 303, 306 and 307 of the Clean Water Act, as amended, and other appropriate requirements of state law.

This Certification is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Alice Kelly at (425) 649-7145. Written comments can be sent to her at the Department of Ecology, 3190 160th Avenue SE, Bellevue, WA 98008, or at e-mail akel461@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

A handwritten signature in cursive script that reads "Jeannie Summerhays".

Jeannie Summerhays
Section Manager
Shorelands and Environmental Assistance Program

JS:AK:ct

Enclosure

cc: Jonathan Smith, Corps of Engineers
Ramona Monroe, Stoel Rives LLP
Yvonne Oliva, Ecology



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

IN THE MATTER OF GRANTING)	AMENDMENT TO ORDER # 1998-4-00178
A WATER QUALITY)	U.S. Army Corps of Engineers # 199800178
CERTIFICATION TO)	
The Overlake Fund)	
For construction of the Overlake Hotel,)	
Bellevue, King County, Washington.)	

This Order is in response to attorney Ramona Monroe's request to amend the above-referenced Administrative Order issued by the Department of Ecology. That Order, approved and issued on September 14, 2001, allows the impact to 0.82 acres of wetlands for commercial development Bellevue located in Section 32, Township 25 North, Range 5 East, King County, Washington.

This amendment is issued under the provisions of Chapter 90.48 RCW and Chapter 173-201A WAC.

Administrative Order No. 1998-4-00178 is hereby amended as follows:

Original required mitigation: The project approved under Department of Ecology Water Quality Certification Order No. 1998-4-00178 issued September 14, 2001 required the following:

A copy of the "as-built" report shall be sent to Ecology's Alice Kelly at 3190 – 160th Avenue SE, Bellevue, WA, 98008-5452, within 60 days of completing construction and initial planting, and in no case later than December 31, 2002.

Deed Restriction: Permanent protection of the wetland mitigation areas shall be recorded on the appropriate property deed. The deed shall clearly indicate that the wetland mitigation areas are "waters of the state." Documentation that this requirement has been fulfilled, including copies of permanent restrictive easements, shall be provided to Ecology's Alice Kelly at the same time as the "as-built" report.

Revised required mitigation: By this Order, the Department of Ecology amends paragraphs 4 and 5 of Condition B1 of the original Certification as follows:

A copy of the "as-built" report shall be sent to Ecology's Alice Kelly at 3190 – 160th Avenue SE, Bellevue, WA, 98008-5452, within six months of completing construction and initial planting.

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Deed Restriction: Permanent protection of the wetland mitigation areas that are located on private property shall be recorded on the appropriate property deed. The deed shall clearly indicate that the wetland mitigation areas are "waters of the state." Documentation that this requirement has been fulfilled, including copies of permanent restrictive easements, shall be provided to Ecology's Alice Kelly at the same time as the "as-built" report.

No other conditions or requirements of the above-mentioned Order are affected by this Amendment. The Department of Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.

Failure to comply with this Order may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this Order.

Any person aggrieved by this Order may obtain review thereof by appeal. The Applicant can appeal up to 30 days after receipt of the permit, and all others can appeal up to 30 days from the postmarked date of the permit. The appeal must be sent to the Washington Pollution Control Hearings Board, P.O. Box 40903, Olympia WA 98504-0903. Concurrently, a copy of the appeal must be sent to the Department of Ecology, Shorelands and Environmental Assistance Program, P.O. Box 47600, Olympia WA 98504-7600. These procedures are consistent with the provisions of Chapter 43.21B RCW and the rules and regulations adopted thereunder.

Dated 6/28/04 at Bellevue, Washington.



Jeannie Summerhays, Section Manager
Shorelands and Environmental Assistance Program
Department of Ecology
State of Washington

